



DFW

Application No. 10/646,929

Filed Aug. 25, 2003

Inventor: Dr. Paul Pionkowski

Examiner: Thong Nguyen

Technology Center: 2872

## Response To The Office Action Of March 14, 2006

Reconsideration of the Office Action of March 14, 2006 is respectfully requested of the examiner. The Appeal Brief filed January 18, 2006 is not considered defective and meets the requirements of 37 CFR 41.37 (c) (1) (v).

The Appeal Brief has been reviewed by Mr. Kery Fries, who is an attorney in the Office of Patent Legal Administration, and has found the Brief to meet the requirements of 37 CFR 41.37 (c) (1) (v). Mr. Fries was instrumental in writing this Rule and is the PTO legal specialist on this Rule. See the attached letter from Mr. Fries.

The Appeal Brief has been reviewed by Mr. Craig Feinberg who is a part of the PTO Board Of Appeals. Mr. Feinberg reviews all applications sent to the Board Of Appeals to see if the applications conform with the Rules of Patent Practice ( 37 CFR ). Mr. Feinberg has reviewed the Brief and has found that it meets the requirements of 37 CFR 41.37 (c) (1) (v). See Mr. Feinberg's signature below concurring with this statement.

The examiner states in his letter that the Appeal Brief contains references to only claims 12 and 16, and does not contain references to appealed claims 15, 17 and 22-24. Rule 37 CFR 41.37 (c) (1) (v) does not require an explanation of any dependent claim that does not have a means plus function in the claim. Both Mr. Fries and Mr. Feinberg are in agreement on this. Therefore, no explanation is necessary for dependent claims 15, 17 and 22-24.

On March 17, 2006, applicant's Agent, Carroll Dority, contacted the examiner's supervisor Mr. Drew Dunn regarding the examiner's office action. Mr. Dunn instructed Mr. Dority to state in his response that the examiner is to consult with Mr. Dunn prior to taking any action on this application. Mr. Kery Fries phoned the examiner on March 17, 2006 to notify him of his decision, but the examiner was not available.

Respectfully Submitted,  
*Carroll Dority*  
Carroll Dority (Reg. No. 33,148)  
For Dr. Paul Pionkowski

Craig Feinberg ( concurring)

3/17/06

Mr. Dority

I have reviewed the Office action to see compliance with 41.37(v). The requirement appears to have been met because the patent agent is describing in the drawings by figure number which element meets each requirement. I believe this meets the purpose that is to show the adequate written description of the claimed subject matter. As for claims 15, 17, and 22-24, since neither independent claim nor means plus function dependent claim do not have same requirement.

*Kery Fries*

Kery Fries  
Office of Patent Legal Administration

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